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UNCLAS SECTION 01 OF 02 COLOMBO 000147

SIPDIS

DEPARTMENT FOR SA/INS

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TAGS: PHUM PGOV CE LTTE

SUBJECT: Sri Lanka: Human rights cases continue to move through judicial system, if somewhat erratically

Ref: 02 Colombo 1427 and previous

1. (SBU) Summary: This update reviews the progress of four high profile human rights related court cases, including:

-- Kandy election day killings - continuation of a case against a high-profile political family and security forces for killing 10 supporters of a Muslim party;

-- Krishanthi Coomaraswamy - an appeal by six security force personnel on their conviction of raping and killing Coomaraswamy;

-- Bindunuwewa massacre - ongoing trial of 41 civilians and 10 security force personnel accused of killing 23 Tamils in a rehabilitation camp;

-- Mailanthanai - acquittal of security force personnel accused of killing 32 people;

End Summary.

Kandy election day killings

2. (SBU) Anuruddha Ratwatte, the former Defense Minister and a relative of President Kumaratunga, had his bail revoked on January 21. Ratwatte's two sons and thirteen other defendants, including security force personnel, have been accused of murdering ten Muslim campaign workers on election day December 5, 2001, allegedly under the direction of Ratwatte. The trial-at-bar hearing was taking place during the afternoon of January 27. (Note: A trial-at-bar replaces a jury with three high court judges with the intended effect of speeding up the trial process and limiting the possibility of harassing witnesses.)

Krishanthi Coomaraswamy

3. (SBU) In 1999, six security force personnel were convicted for and sentenced to death for the rape and murder of Tamil student Krishanthi Coomaraswamy. This case garnered widespread publicity in Sri Lanka because of the rarity, at the time, of the GSL prosecuting cases against its security forces. It is still one of a few cases resulting in the conviction of security force personnel. In addition, the case gained notoriety when two of the defendants claimed to have knowledge of mass burial sites in the Chemmani area (the Chemmani case is reviewed in Reftels). On January 7, the Sri Lankan Supreme Court agreed to hear the appeal on this case. A date for the hearing has not yet been set.

Bindunuwewa massacre

4. (SBU) In October 2000, 27 Tamils held at the Bindunuwewa rehabilitation camp for former child soldiers were killed while police allegedly looked on. In May 2001, a court case against 51 suspects began with the reading of 83 charges. During the most recent hearing, January 21, the Colombo High Court acquitted 23 of the accused, stating there was a lack of evidence to hold them. Three students from a local teacher training college, one police officer and nineteen villagers were acquitted.

Mailanthanai

5. (SBU) In 1994, a case began against 21 security force personnel accused of murdering 35 Tamil civilians in Mailanthanai, in eastern Sri Lanka. The trial came to an end with an acquittal of the security force personnel on November 25, 2002. The attorneys for the aggrieved parties recently met with the Attorney General asking that the case be reopened. Some of the attorneys allege that the Sinhala jury ignored evidence in acquitting the security forces. The case remains closed.

Comment

6. (SBU) The GSL continues to press forward on numerous human rights cases, including those reviewed above.

Despite the efforts of the Attorney General's office to see progress in the cases it is pursuing, it continues to have to grapple with a slow and somewhat erratic judicial system. In the end, however, the cases are moving through the court system and decisions will eventually be reached. End comment.

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